

Translation

PATENT COOPERATION TREATY

PCT/DE2003/001053



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

Rec'd PCT/PTO 12 OCT 2004

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 2002P06170WO	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/DE2003/001053	International filing date (day/month/year) 31 March 2003 (31.03.2003)	Priority date (day/month/year) 12 April 2002 (12.04.2002)
International Patent Classification (IPC) or national classification and IPC G06F 17/60		
Applicant SIEMENS AKTIENGESELLSCHAFT		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet. <input type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT). These annexes consist of a total of _____ sheets.
3. This report contains indications relating to the following items: I <input checked="" type="checkbox"/> Basis of the report II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application

Date of submission of the demand 17 September 2003 (17.09.2003)	Date of completion of this report 26 February 2004 (26.02.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International Application No.

PCT/DE2003/001053

I. Basis of the report

1. With regard to the elements of the international application:*

- ☐ the international application as originally filed
- ☒ the description:
 pages _____ 1-4 _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☒ the claims:
 pages _____ 1, 2 _____, as originally filed
 pages _____, as amended (together with any statement under Article 19
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☒ the drawings:
 pages _____ 1/1 _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

Novelty (N)	Claims	1, 2	YES
	Claims		NO
Inventive step (IS)	Claims		YES
	Claims	1, 2	NO
Industrial applicability (IA)	Claims	1, 2	YES
	Claims		NO

2. Citations and explanations**1. Objection under PCT Article 33(3)**

The present claims 1 (method) and 2 (device) do not satisfy the requirement of inventive step as specified in PCT Article 33(3) for the purpose of the international preliminary examination (PCT Article 35(2)).

Features (a) to (c) of the method claim and the features of the device claim in lines 17-28 on page 6 relate to a system and method for controlling process operations wherein

- a desired value is defined (a),
- an actual value is measured (b), and
- the system deviation is determined as the difference between desired value and actual value (c).

This method and these devices for carrying out the method are generally known and are found in any plant where parameters are controlled (see, for example, "Taschenbuch der Regelungstechnik", pages 30-34, ISBN 3-8171-1629-2; a copy is attached).

The subject matter of claims 1 and 2 therefore differs from the prior art only by virtue of the features stated under (d) in claim 1 and in lines 17-28 on page 6. According to these features, the deviation of the actual parameter from the desired parameter is represented in a web diagram (also known as a Kiviat or spider diagram). The idea is to represent the deviation in such a way that the enclosed area is inversely proportional to the quality of the process operations. This is achieved by the ideal parameters being brought together at an optimal point in the centre of the web. What is necessary for the invention, therefore, is the representation of process variables in a web diagram *per se*. The invention is thus characterised by non-technical features. There are therefore no features that are novel, inventive and technical (PCT Article 33(3) in conjunction with PCT Rule 5.1(iii)).

The subject matter of claims 1 and 2 does not therefore involve an inventive step.

Observation:

In the guidelines for the substantive examination of an international application (cf. PCT Examination Guidelines, paragraph IV-2.4(e)) or a European application (cf. Guidelines for Examination in the European Patent Office, C-IV, 2.3, "Presentations of information"), the presentation of information constitutes patentable subject matter if the manner of presentation of the information has **new technical** features. That is not the case with the claimed subject matter in claims 1 and 2.